

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:19-CV-201-BO

IN RE:

LAKETTA MALOURICA HUSSAIN,

Appellant.

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ORDER

This matter is before the Court on appeal from the United States Bankruptcy Court in the Eastern District of North Carolina. [DE 1]. For the reasons discussed below, the Court, on recommendation from the bankruptcy judge [DE 5] and pursuant to Federal Rule of Bankruptcy Procedure 8009, hereby dismisses the case.

Federal Rule of Bankruptcy Procedure 8009 requires that an appellant from bankruptcy court “file with the bankruptcy clerk and serve on the appellee a designation of the items to be included in the record on appeal and a statement of the issues to be presented” within 14 days after appellant’s notice of appeal as of right becomes effective or an order granting leave to appeal is entered. Fed. R. Bankr. P. 8009(a).

Here, appellant filed a notice of appeal with this Court on October 2, 2019, appealing an order of the bankruptcy court entered September 19, 2019. [DE 1, 1-1]. On October 4, 2019, the bankruptcy court entered an appeal memorandum, which provided notice that within 14 days after the filing of the notice of appeal, appellant must file a designation of items to be included in the record on appeal and statement of issues to be presented, pursuant to Federal Rule of Bankruptcy Procedure 8009. *In re: Hussain*, No. 18-04238-5-SWH (Bankr. E.D.N.C. Oct. 4, 2019).

As of the bankruptcy judge's recommendation for dismissal to this Court on October 30, 2019, appellant had not filed the necessary documents or explained her failure to do so. Review of the bankruptcy court's docket reveals that appellant has not complied with Rule 8009 as of the date of entry of this order. Therefore, this case is dismissed for appellant's failure to comply with the rules of bankruptcy procedure.

CONCLUSION

The Court DISMISSES the appeal WITHOUT PREJUDICE. The clerk is DIRECTED to close the case.

SO ORDERED, this 12 day of November, 2019.


TERRENCE W. BOYLE
CHIEF UNITED STATES DISTRICT JUDGE